IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 19263 of 1999

Between:

Md.Hyder Khan S/o.Md.Ibrahim Khan
R/o.Plot No.102, Santhosh Nagar Colony
Mehadipatnam, Hyderabad.

..... PETITIONER

AND

1 Director General and Inspector General of Police Government of A.P., Hyderabad.
2 Deputy Commissioner of Police Task Force, Begumpet, Hyderabad.
3 Mr. Viswesara Rao, S/o not Known, Circle Inspector of Police, Task Force, Hyderabad.
4 Sri Damodar, S/o. Not Known,
Deputy Commissioner of Police, Task force, Begumpet, Hyderabad.
5 Commissioner of Police,
Government of A.P. Purani Haveli, Hyderabad.

(Dismissed for default as per Court Order dated 13.03.2003 as against R3.)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or order or directions particularly in the nature of Writ of Mandamus declaring the action of the respondent for calling the petitioner to police station in a Civil matter by retaining him for about 12 hours on 7.9.99 and also making him to come to police station by obtaining signatures on paper as illegal, arbitrary, contrary to law, violative of fundamental Rights of the Petitioner under art 14 & 21 of the Constitution of India and consequently directing the respondent no to interfere with the peaceful and lawful possession of the property of the petitioner in the interest of the justice and pass such other order or order or directions as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.V.RAJA RAM

Counsel for the Respondents: GP FOR HOME

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19263 OF 1999

ORDER:

The petitioner claims that his wife Smt.Razia Sultana owns the house bearing No.8-2-603/B/1, Zehara Nagar, Road No.10, Banjara Hills, Hyderabad. By virtue of a General Power of Attorney (GPA) given by the wife, the petitioner entered into an agreement to sell the property in 1989 to one Srikrishna Agarwal for a sale consideration of Rs.22,00,000/- (Rupees twenty two lakh only). It is the case of the petitioner that the vendee committed default in paying the amount and therefore possession was not given. The vendee who is allegedly an influential person having contacts with police officers in the higher echelon as well as Home Minister lodged false complaints against the petitioner. Though the matter is purely a civil dispute, the respondents summoned the petitioner to the police station on 07.09.1999 and detained him for a long time without registering any F.I.R. He also alleges that he was released from the police station after obtaining his signatures. Therefore, the present writ petition is filed praying this Court for a direction to the police not to interfere with peaceful and lawful possession of the property and for a declaration that the action of the police in interfering civil disputes is illegal.

At the time of hearing, the petitioner transpired that Srikrishna Agarwal filed a suit for injunction against the petitioner and the same was decreed *ex parte.* It is also brought to the notice of this Court that the petitioner is taking steps to file an application to set aside the *ex parte* decree. This would show that dispute between the petitioner and his vendee is purely of civil nature and in that view of the matter unless and until the petitioner is involved in any cognizable offence, the police cannot interfere with his liberty.

The writ petition, with the above observation, is accordingly disposed of.

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(V.V.S.RAO,J)

08.06.2005

pln

To

1. The Director General and Inspector General of Police, Government of A.P., Hyderabad.

2. The Deputy Commissioner of Police, Task Force, Begumpet, Hyderabad.

3. The Commissioner of Police, Government of A.P., Purani Haveli, Hyderabad.

4. Two CCs to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.